

Application No. 10/552,162
Attorney Docket 82062-0176
Response to Office Action dated November 20, 2007

REMARKS

The Office Action dated November 20, 2007 (the “Office Action”) rejected all pending claims in this application, which include claims 1-23. Following entry of the present Response and Amendment, claims 1-23 remain pending in this application. Claims 1, 13-16, and 19 have been amended. No prohibited new matter has been introduced into the present application through these amendments.

Summary of Action

Claims 1-23 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Claims 1, 3-6, 8, 10, 12, 13, and 17-23 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,221,381 to Hurrell, II (henceforth, “Hurrell”). Claims 7, 9, 11, and 14-16 were rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Hurrell. Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Hurrell in view of U.S. Patent No. 1,777,671 to Hinman, *et al.* (henceforth, “Hinman”).

Entry of this amendment and reconsideration of the grounds for rejection in the Office Action in light of the following specific remarks is thus requested.

Information Disclosure Statement

Applicants submit with this response an Information Disclosure Statement listing the references in the Information Disclosure Statement filed on October 11, 2005. In order to comply with 37 C.F.R. § 1.98, copies of the cited references are also submitted.

Preliminary Amendment and Substitute Specification

The Office Action states that no substitute specification was received with the documents filed on October 11, 2005. Applicants respectfully disagree and include copies of the substitute specification as filed and of the return postcard indicating receipt of the substitute specification.

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Applicants request entry of this substitution and herein submit another substitute specification including amendments from the prior substitute specification in light of the Office Action.

Drawings

The Office Action objects to the drawings as failing to show reference character 46. Figure 2 has been amended to include this reference character.

The Office Action states that a “wheel having only one spoke as set forth in claim 1” must be shown in the drawings. Applicants respectfully submit that the drawings satisfy 37 C.F.R. § 1.83(a) as they show, as recited in claim 1, a wheel comprising “at least one spoke.” A wheel with at least one spoke is shown in Figures 1, 2, 4, 5, and 6.

The Office Action objects to the drawings as failing to show the bush (now bushing) of claim 14. Figure 3 has been amended to reference this feature.

Replacement drawings are attached.

Withdrawal of the objection to the drawings is respectfully requested.

Specification

Applicants request that the title of the invention be amended, as shown in the substitute specification, from “Wheel for Vehicles” to “Vehicle Wheel with Easily Accessible Inflation Valve.”

The spelling of the word “tire” has been changed throughout the specification from the British spelling “tyre” to the American spelling “tire.”

A reference character has been added to reference a possible bushing feature.

The specification has also been amended to include references to the figures.

The substitute specification filed on October 11, 2005 included headings as required and these headings remain in the current substitute specification.

Withdrawal of the objections to the specification is respectfully requested.

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§ 112 Rejections

The Office Action rejects claims 1-23 as indefinite under 35 U.S.C. § 112. In independent claim 1, “associated” has been amended to “mounted” and “suitable for delimiting” has been amended to “delineating” and thus Applicants respectfully submit that claim 1 satisfies the requirements of § 112. Claim 13 has been amended to remove the phrases “outside the projection” and “central plane” and thus Applicants respectfully submit that claim 13 now complies with § 112. Regarding claim 7, the rim-attachment portion has its antecedent basis in claim 1 and the rim-attachment portion necessarily has a distance, thus Applicants respectfully submit that claim 7 complies with § 112. Withdrawal of the rejection of claims 1-23 under § 112 is respectfully requested.

§ 102 Rejections

The Office Action alleges that independent claim 1 is unpatentable over Hurrell. Insofar as this reference applies to the claims as presently amended, Applicants respectfully traverse.

To establish a *prima facie* case of anticipation under 35 U.S.C. § 102(b), the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. MPEP 2131. Applicant respectfully submits that this criterion has not been met for Hurrell as applied to the claims of the present invention.

Specifically, claim 1 of the present invention recites, in pertinent part, “wherein said solid body separates the spoke into two portions.” Applicants respectfully submit that Hurrell fails to disclose this feature of a solid body that separates the spoke into two portions which are disposed on radially opposite sides of the solid body and which are not in fluid communication with each other. Hurrell does not provide a solid body dividing the spoke into two parts and Hurrell also suggests placing the inflating valve near the center of the wheel in order to limit the centrifugal imbalance caused by the valve itself (Hurrell, col. 3, lines 13-15) rather than in the rim-attachment portion as in the present invention.

The arrangement of the present invention allows easy access to the inflation valve, which is disposed in the rim-attachment portion, not influenced by the brake discs. Moreover, the solid body that divides the spoke into two regions not in fluid communication with each other provides

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that the volume of air external to the tire is greatly reduced. In this way, the variations in pressure inside the inflation chamber of the tire due to temperature are limited. Also, the arrangement of the present invention makes it possible to produce wheels with spokes of complex and curved geometrical shapes because there is no need of boring the spoke along its entire length.

In light of the above amendments and remarks, it is respectfully submitted that the outstanding rejection of claim 1, insofar as it has been amended, as being anticipated by Hurrell is improper. Thus, Applicant respectfully submits that claim 1 is not anticipated by Hurrell.

Claims 3-6, 8, 10, 12, 13, and 17-23 depend directly or indirectly from claim 1 and incorporate the limitations of the base claim. Thus Applicant respectfully submits that claims 3-6, 8, 10, 12, 13, and 17-23 are not anticipated by Hurrell for at least the reasons recited with respect to claim 1 above.

Withdrawal of the rejection of claim 1, 3-6, 8, 10, 12, 13, and 17-23 under 35 U.S.C. § 102(b) is respectfully requested.

§103 Rejections

The Office Action also alleges that claims 7, 9, 11, and 14-16 are unpatentable over Hurrell, and that claim 2 is unpatentable over Hurrell in view of Hinman. Insofar as this reference applies to the claims as presently amended, Applicants respectfully traverse.

The USPTO has issued examination guidelines for determining obviousness under 35 U.S.C. 103 in view of the Supreme Court decision in *KSR International Co. v. Teleflex Inc.* First an examiner must complete the basic factual inquiries of *Graham v. John Deere Co.* Next, seven rationales are provided in 72 Fed. Reg. 57526 (dated October 10, 2007) to determine whether the claimed invention would have been obvious to one of ordinary skill in the art: (A) combining prior art elements according to known methods to yield predictable results; (B) simple substitution of one known element for another to obtain predictable results; (C) use of known technique to improve similar devices (methods, or products) in the same way; (D) applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “obvious to try”—choosing from a finite number of identified,

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predictable solutions, with a reasonable expectation of success; (F) known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and (G) some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. The MPEP further clarifies that the prior art references must disclose or suggest all of the claimed features. *See MPEP 2143.* Applicants respectfully submit that these criteria have not been met by the prior art asserted against the current claims as presently amended.

As outlined above, Hurrell does not teach or suggest a solid body, disposed near the rim-attachment portion of the spoke, which separates the spoke into two portions which are not in fluid communication with each other as claimed in independent claim 1. Hinman does not remedy this deficiency.

Claims 2, 7, 9, 11, and 14-16 depend directly or indirectly from claim 1 and incorporate the limitations of the base claim. Thus, Applicants respectfully submit that claims 2, 7, 9, 11, and 14-16 are not obvious for at least the reasons recited with respect to claim 1 above.

Appropriate reconsideration and withdrawal of the rejections of claims 2, 7, 9, 11, and 14-16 under 35 U.S.C. § 103 is respectfully requested.

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CONCLUSION

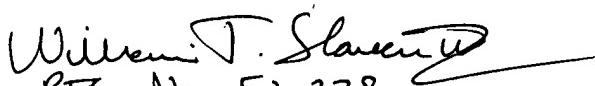
In view of the foregoing, the Applicants respectfully request that the Examiner consider the claims as amended for examination on the merits. A timely allowance of the pending claims is requested.

If there are any fees (such as necessary extension of time or extra claims fees) due in connection with the filing of this Response and Amendment which not covered by the concurrently submitted transmittal document, please charge any necessary fees or credit any overpayments to Deposit Account No. 50-1349.

The Examiner is invited to contact Applicants' undersigned attorneys by telephone to discuss any matters if the Examiner feels such discussions may expedite the progress of the present application toward allowance.

Respectfully submitted,

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By: 
REF. No. 52,228
Celine Jimenez Crowson
Registration No. 40,357

HOGAN & HARTSON LLP
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: 202-637-5600
Facsimile: 202-637-5910
email: cjcrowson@hhlaw.com
Customer No.: 24633